

of a horizontal cross-section of the trunk portion is 2 to 4. The plastic container is for holding photographic processing chemicals.

Through the structure of the claimed invention a) having a trunk portion formed by four flat planes, b) having the average thickness of the trunk portion being .2-.7 mm, c) having the ratio of the length of the trunk portion to the length of a diagonal line of the rectangle formed by the outer periphery of a horizontal cross-section of the trunk portion being 2-4, and d) having the container hold photographic processing chemicals as claimed in claims 1, 12, 13 and 20, and e) having a removal opening at an inner periphery of the mouth portion closed by a punchable seal member as claimed in claims 12, 13 and 20 the claimed invention provides a plastic container having self-stainability and configuration maintainability as well as disposability. The prior art does not show, teach or suggest a plastic container having the features as claimed in claims 1, 12, 13 and 20.

Claims 1-24 were rejected under 35 U.S.C. § 103 as being unpatentable over *Adell* (U.S. Patent No. 3,212,761) in view of *Schneider* (U.S. Design Patent No. 135,998).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, it is respectfully requested that the Examiner withdraws the rejection to the claims and allows the claims to issue.

*Adell* appears to disclose a device for storing therein additive for the liquid used in windshield washer mechanisms of motor vehicles. In particular, the device is designed in order to prevent rattling of a container when suspended under an engine hood while securing it so that it does not fall out even on the roughest roads while still being easily

removable and provide an easy handgrip which presents no danger of slipping out of an operator's hand even if the hands are oily or greasy. A bottle 15 has a cap 16 and a holder bracket 17 adapted to receive and to hold said bottle 15. The bottle 15 is illustrated separately in Fig. 1. As shown in said figure, the bottle comprises a body portion 20 which in the embodiment illustrated in Figs. 1-5 is of a square cross section with rounded corners, as indicated at 21. The upper portion of the body 20 converges upwardly to provide a neck 22 adapted to receive the cap 16 in a manner well known in the art. The lower end of the body 20 is closed by the provision of a bottom 23. Along the body portion 20 and parallel to the longitudinal axis of the bottle there is provided a plurality, four in the embodiment illustrated in Figs. 1-5, of deformation elements such as raised beads 26 extending substantially throughout the entire length of the body portion 20. The beads 26 may be of a segmental cross section. In the lower portion of the body 20 and adjacent the bottom 23 of the bottle, there is provided a peripheral deformation element such as a groove 30 which may also be of a segmental cross section, as illustrated. In the bottom surface of the bottle, i.e., within the bottom 23 thereof, there are provided two recesses 31 and 32 arranged in a cross-like manner and having a suitable depth, such as one-half of the thickness of the bottom 23. Each of said recesses runs through the entire extent of the bottom, reaching from one side of the bottle to the other, with the center of the cross so formed substantially coinciding with the longitudinal axis of the bottle. The bottle is made from any suitable material, preferably transparent, such as glass or plastic.

(col. 2, lines 37-72)

Thus, *Adell* discloses providing a) a plurality of raised beads 26 along the body portion 20 in parallel to the longitudinal axis of the body and b) a groove 30 adjacent the bottom of the bottle. Thus, nothing in *Adell* shows, teaches or suggests a trunk portion which is formed by four flat planes as claimed in claims 1, 12, 13 and 20. Rather, the container of *Adell* has raised beads 26 formed along the body portion 20 in parallel to the longitudinal axis as well as a groove 30 formed around its circumference at the bottom and thus the sides are not flat planes.

Furthermore, nothing in *Adell* shows, teaches or suggests a removal opening provided at an inner periphery with a punchable seal member as claimed in claims 12, 13 and 20. Rather, *Adell* merely discloses a cap 16 formed over the outer periphery of the mouth of the bottle.

Additionally, *Adell* merely discloses a container. *Adell* does not disclose the dimensions of the container. However, assuming the container shown in Figure 1 is proportionally drawn, the container has a height of 75 mm and a length of a diagonal line of 45 mm. Thus, the ratio of H/L is 1.67 which is clearly outside the range of the ratio 2 to 4 claimed in claims 1, 12, 13 and 20. In particular, the container of the claimed invention is slender having a ratio of the length of the trunk portion to the length of a diagonal line across a rectangle formed by an outer periphery of the horizontal cross section of the trunk portion being 2-4. However, *Adell* does not disclose the dimensions of the container, but the ratio as measured from the drawings is clearly outside the range of the claimed invention.

Also, nothing in *Adell* shows, teaches or suggests the average thickness of the trunk portion is 0.2-0.7 mm as claimed in claims 1, 12, 13 and 20. *Adell* merely discloses a container for windshield washing liquid mounted inside a hood of a vehicle which is detachable from a bracket 17. Thus, in order to obtain the detachability from the harness, beads 26 are formed and thus based upon the drawings in *Adell*, the wall thickness of each wall portion would be about 2 mm for the container shown in Figure 2 and about 1 mm for the container shown in Figure 5 which is substantially greater than the average thickness of the trunk portion being 0.2-0.7 mm as claimed in claims 1, 12, 13 and 20.

Furthermore, *Adell* discloses a container for windshield washing liquid. Nothing in *Adell* shows, teaches or suggests a plastic container containing photographic processing chemicals as claimed in claims 12, 13 and 20.

Applicant respectfully traverses the Examiner's statement that the container dimensions are obvious matters of design choice. Applicants respectfully submit that even assuming *arguendo* that the content amount, thickness, radius of curvature of vertex etc. are design choices, that a person of ordinary skill in the art would not have chosen all the features as claimed in claims 1, 12, 13 and 20. Also, Applicant respectfully submits that nothing in *Adell* shows, teaches or suggests the average wall thickness of the trunk portion, the ratio of the height to the width and the configuration of the plane surfaces of the trunk portion as claimed in claims 1, 12, 13 and 20. Furthermore, it is respectfully submitted that even assuming *arguendo* that a person of ordinary skill would see the device of *Adell*, there is no suggestion in *Adell* to design a container having proportions as claimed in claims 1, 12, 13 and 20. Furthermore, Applicant respectfully submits that *Adell's*

invention is for a container mounted in a hood of a vehicle which must withstand severe vibrations. Therefore, it is respectfully submitted that the average wall thickness of the trunk portion would not be made as thin as .2-.7 mm nor is there any suggestion to maintain such a thin wall thickness. Furthermore, since the side surfaces of *Adell* contain the beads 26 and groove 30, nothing in *Adell* shows, teaches or suggests why the bead and groove would be removed when in fact they are provided for fitting within the bracket 17. It is respectfully submitted that a person of skill in the art of photographic processing would not look at the *Adell* reference for a detachable container containing windshield washing liquid.

*Schneier* appears to disclose an ornamental design for a body shown in Figures I-V. Nothing in *Schneier* shows, teaches or suggests a removal opening provided at an inner periphery with a punchable seal member. Furthermore, nothing in *Schneier* shows, teaches or suggests why an ornamental design bottle would be used for storing windshield washing fluid and have such a design that the container would be prevented from rattling while secured under the engine hood and still afford an easy grip while not slipping out of an operator's hands when oily or greasy as taught by *Adell*.

Applicant respectfully traverses the Examiner's statement that would be obvious to employ the planar sides of *Schneier* in the construction of the container of *Adell* when not employing a mounting bracket. Applicant respectfully points out to the Examiner that the feature of *Adell* is to mount a container under an engine hood while preventing rattling and maintaining it secured from falling even on the roughest roads and in which there is no danger of slipping out of an operator's hands even if the hands are oily or greasy (see

column 1, lines 8-28). It is unsure why a person of ordinary skill in the art who are trying to overcome the difficulties of the prior art with storage devices containing additives for liquids used in windshield washer mechanisms of motor vehicles would replace such a design with the ornamental design of *Schneier*. Even assuming *arguendo* that such a combination could take place, there is no teaching as to why beads 24 and also groove 30 or bead 56 of *Adell* would be eliminated since Applicants respectfully submit that the beads and groove of *Adell* are essential to the container of *Adell*. Furthermore, nothing in *Schneier* shows, teaches or suggests the removal opening, the thickness of the trunk portion, the amount of contents, the ratio of the length of the trunk portion to the length of a diagonal line or the radius of curvature of the vertexes is claimed in claims 1, 12, 13 and 20.

Since nothing in *Adell* or *Schneier* shows, teaches or suggests why it would be obvious to combine the design bottle sides of *Schneier* for a bottle to be held by a bracket and in particular why it would be obvious to remove the beads 26, groove 30 and bead 56 for the flat planar surfaces as claimed in claims 1, 12, 13 and 20 and furthermore since nothing in *Adell* or *Schneier* shows, teaches or suggests a removal opening closed by a punchable seal member as claimed in claims 12, 13 and 20, it is respectfully requested that the Examiner withdraws the rejection to claims 1, 12, 13 and 20 under 35 U.S.C. § 103.

Claims 2-11, 14-19 and 21-24 depend from claims 1, 12, 13 and 20 and recite additional features. It is respectfully submitted that claims 2-11, 14-19 and 21-24 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Adell* and *Schneier* at least for the reasons as set forth above and since nothing in the combination of the